

In the Matter of)
)
FELHC, INC.)
)
Licensee of Private Land Mobile Radio Station)
WPOY909)

² 47 C.F.R. § 90.619(c)(2).

Arrangement F.³ An explanation for how the maximum ERP is determined pursuant to Section 90.619(c)(2) of the Commission's rules and Arrangement F is included in Attachment I.

III. DISCUSSION

4. Based on the information before us, we conclude that the license for Station WPOY909 should be modified so that the ERP of base station location 1 complies with Commission rules and Arrangement F on the frequency listed in Attachment I.⁴

5. In accordance with Section 1.87(a) of the Commission's Rules,⁵ we will refrain from issuing an order modifying Station WPOY909 until FELHC has received this notice of our proposed action and has had an opportunity to file a protest. To protest the modification, FELHC must, within thirty days of the release date of this *Order Proposing Modification*, submit a written statement which protests the proposed modification and either proposes an alternate method for bringing its base station into compliance on the frequency listed in Attachment I with Section 90.619(c)(2) of the Commission's rules and Arrangement F, or demonstrates that the proposed modification is not in the public interest. The protest must be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., Room TW-A325, Washington, DC 20554.⁶ In addition, please provide an electronic copy of any written statement to Brian Marenco, Policy Division, Public Safety and Homeland Security Bureau, at Brian.Marenco@fcc.gov.

6. If no timely protest is filed, FELHC will have waived its right to protest the modification and will be deemed to have consented to the modification. The license for Station WPOY909 will then be modified to specify an ERP of 20 watts for base station location 1 on the frequency listed in Attachment I in compliance with Section 90.619(c)(2) of the Commission's rules and Arrangement F.

V. ORDERING CLAUSES

7. ACCORDINGLY, IT IS PROPOSED, pursuant to Sections 4(i) and 316 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), and Section 1.87 of the Commission's rules, 47 C.F.R. § 1.87, that the license for Private Land Mobile Radio Service Station WPOY909, held by FELHC, Inc., BE MODIFIED by reducing the Effective Radiated Power at the base station location 1

³ *Id.* See also Arrangement F, Annex A, Table A1. The maximum ERP limits are based on the Effective Antenna Height (EAH).

⁴ Industry Canada objected to the operation of base station location 1 at 40 watts ERP only on the frequency listed in Attachment I. Therefore, FELHC may continue to operate location 1 at 40 watts ERP on the remaining licensed frequencies.

⁵ 47 C.F.R. § 1.87(a).

⁶ Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington, DC 20554.

from 40 watts to 20 watts on the frequency listed in Attachment I to comply with Section 90.619(c)(2) of the Commission's rules and Arrangement F.

8. IT IS FURTHER ORDERED that this *Order Proposing Modification* shall be sent by certified mail, return receipt requested, to FELHC, Inc., Attn FCC License Admin, PO Box 44308, 76 South Main Street., Akron, OH 44308.

9. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

Attachment I

Maximum Permitted ERP Under Section 90.619(c)(2) and Arrangement F

Stations authorized on U.S. primary channels in Canada Border Regions 1, 2, 3, 4, 6, 7 and 8, which includes Pennsylvania, are subject to the Effective Radiated Power (ERP) and Effective Antenna Height (EAH) limits listed in Table C2 of Section 90.619(c)(2). The EAH is calculated by subtracting the Assumed Average Terrain Elevation (AATE) listed in Table C3 of Section 90.619(c)(2) from the antenna radiation center above mean sea level (RCAMSL).⁷

$$\text{EAH} = \text{RCAMSL} - \text{AATE}$$

The pertinent values for Stations WPOY909 are included below:

Call Sign	Location No.	Lat. (N)	Long. (W)	Current Frequency (MHz)	Replacement Frequency (MHz)	RCAMSL (meters)	AATE (meters)	EAH (meters)	Maximum Permitted ERP (watts)	Licensed ERP (watts)
WPOY909	1	42° 3' 26.2"	79° 59' 44.2"	865.6875	863.8125	547	76	471	20	40

⁷ The ERP limitation applies to both FELHC's currently licensed frequency and its 800 MHz rebanding replacement frequency. See Improving Public Safety Communications in the 800 MHz Band, *Report and Order*, *Fifth Report and Order*, *Fourth Memorandum Opinion and Order*, and *Order*, 19 FCC Rcd 14969, 15077 ¶ 201 (2004).